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AURORA DE LA GARZA, CLERK

OCT 21 2013

DISTRICT COURT OF CAMERON COUNTY, TEXAS

CAUSE NO. 2013 DCU-6815-D

ANITA MARTINEZ RUIZ

Plaintiff

v.

CHRISTOPHER LEE  
MARTINEZ, ADVANCE AUTO  
PARTS, INC. AND ARI FLEET  
LTD.

Defendants

IN THE DISTRICT COURT

10300 JUDICIAL DISTRICT

CAMERON COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURES

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes, ANITA RUIZ, hereinafter called "Plaintiff", complaining of CHRISTOPHER LEE MARTINEZ, ADVANCE AUTO PARTS, INC. AND ARI FLEET LTD., hereinafter called "Defendants", and for cause of action would respectfully show unto the Court the following:

DISCOVERY

1. Plaintiffs intend to conduct discovery under Level 2 pursuant to Rule 190, Tex.R.Civ.P.

REQUEST FOR DISCLOSURES

2. Defendants are requested to disclose to the Plaintiff the information and material described in Rule 194.2 (a) through (1), Tex.R.Civ.P. within fifty (50) days, pursuant to Rule 194.3(a), Tex.R.Civ.P., of the date this petition was served upon the Defendants.

**PARTIES**

3. The Plaintiff, **ANITA RUIZ**, is a resident of San Benito, Cameron County, Texas.

4. **CHRISTOPHER LEE MARTINEZ** resides at 1209 W. Buchanan, Harlingen, Cameron County, Texas 78550, where service of process may be had on him.

5. Defendant, **ARI FLEET, LTD.** is a foreign corporation organized and existing under the laws of the State of New Jersey, whose home-office address is 4001 Leadenhall Rd., Mount Laurel, New Jersey 08054, where service may be had on President Carl Ortell.

6. Defendant, **ADVANCE AUTO PARTS, INC.**, is a foreign corporation organized and existing under the laws of the State of Virginia, whose home office address is 5008 Airport Rd. NW, Roanoke, Virginia 24012-1601, where service may be had on President George Sherman or Executive Vice President Charles Tyson. Plaintiff is requesting service at this time on the President, George Sherman.

**VENUE**

6. All acts and events giving rise to the claim which is the basis for this suit occurred in Cameron County, Texas, so venue properly lays in Cameron County, Texas, pursuant to Tex.Civ.Prac.& Rem.Code §15.002(1).

**STATEMENT OF FACTS**

7. Plaintiff, **ANITA RUIZ**, states that on or about the 25<sup>th</sup> day of October 2011, while operating a 2006 Hyundai Elantra, license plate number TX-696-PMK, and while she was travelling west on Oscar Williams at or about the intersection of Oscar Williams and Business 77, suddenly and without warning, Defendant **CHRISTOPHER LEE MARTINEZ** ran a red light and crashed into Plaintiff's driver's side door. Defendant, **ARI FLEET, LTD.**, is the owner of the 2010 Chevrolet Colorado, license plate number TX-ANG-2343, which was operated by Defendant **CHRISTOPHER LEE MARTINEZ**, who caused the collision in question. Due to the dangerous situation which the Defendant, **CHRISTOPHER LEE MARTINEZ**, precipitated by negligently driving the Defendant's vehicle in a dangerous and reckless manner and as a direct result of Defendant's negligent acts, the Plaintiff has suffered the hereinafter personal injuries and property damage.

**NEGLIGENCE**

8. At the time of the crash which is the basis of this lawsuit, **CHRISTOPHER LEE MARTINEZ** was an employee of **ADVANCE AUTO PARTS, INC.** and was acting in the course and scope of his employment and/or within the scope of the general authority given by Defendant **ARI FLEET, LTD.** with and on behalf of and in furtherance of the business of **ADVANCE AUTO PARTS, INC.** The Defendant, **ADVANCE AUTO PARTS, INC.**'s vehicle was also owned by its principle, Defendant **ARI FLEET, LTD.** at

the time of the accident in question. In this regard **CHRISTOPHER LEE MARTINEZ** was an employee of **ADVANCE AUTO PARTS, INC.** insofar as the Master-Servant relationship is concerned. Immediately prior to the accident in question, **CHRISTOPHER LEE MARTINEZ**, was negligent and careless in the following respects:

- a. In failing to keep a proper lookout prior to the collision in question;
- b. In failing to timely apply the brakes of his vehicle in order to avoid the collision in question;
- c. In failing to apply the brakes of his vehicle to avoid the collision in question;
- d. In failing to steer his vehicle so as to avoid the collision in question;
- e. In operating his vehicle without due regard for the rights of others, particularly those of the Plaintiff;
- i. In failing to abide by the laws of the State of Texas when he ignored the red light;
- j. In failing to control his speed; and
- k. In failing to remain attentive to traffic.

Each of the aforementioned negligent acts and/or omissions of and/or negligent conduct, constitutes negligence and each act individually or collectively was/were a proximate cause of the collision and of the resulting injuries to Plaintiff. Additionally, the negligent acts and/or omissions and/or conduct listed herein occurred while **CHRISTOPHER LEE MARTINEZ** was an employee of Defendant, **ADVANCE AUTO PARTS, INC.**, and was in the course and scope of his employment and acting in the furtherance of the business of

**ADVANCE AUTO PARTS, INC.** at the time of the crash, who is vicariously liable to Plaintiff.

The above described conduct of **CHRISTOPHER LEE MARTINEZ, ADVANCE AUTO PARTS, INC. AND ARI FLEET, LTD.** by act or omission and whether considered singularly or in some combination constituted negligence which was a proximate cause of the incident and the damages sustained by Plaintiff. Plaintiff is entitled to an award of compensatory damages from **CHRISTOPHER LEE MARTINEZ, ADVANCE AUTO PARTS, INC. AND ARI FLEET, LTD.** because of **CHRISTOPHER LEE MARTINEZ, ADVANCE AUTO PARTS, INC.** and **ARI FLEET, LTD.**'s negligence, which was a proximate cause of Plaintiff's actual damages.

**DAMAGES**

9. Plaintiff incurred damages in excess of the minimal jurisdictional limits of the Court and seeks monetary relief over \$200,000.00 but no more than \$1,000,000.00.

10. As a result of the negligent acts of Defendants, **CHRISTOPHER LEE MARTINEZ, ADVANCE AUTO PARTS, INC. AND ARI FLEET, LTD.**, Plaintiff, **ANITA RUIZ**, has sustained severe and painful injuries to her body. As a result of the severe injuries to her body as a whole, Plaintiff, **ANITA RUIZ** has incurred the following damages:

- a. Medical and pharmaceutical expenses in the past;
- b. Medical and pharmaceutical expenses in the future;
- c. Pain and suffering, and mental anguish in the past;

- d. Pain and suffering, and mental anguish in the future;
  - e. Loss of income in the past;
  - f. Loss of earning capacity in the future;
  - g. Physical impairment in the past; and
  - h. Physical impairment in the future.
11. The above damages suffered by Plaintiff, in their respective capacities and sued for are in the amount of the jurisdictional limits of this Court.

**JURY DEMAND**

12. Plaintiff hereby exercises her right to and make demand for trial by jury.

**PRAYER**

13. WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the Defendants, **CHRISTOPHER LEE MARTINEZ, ADVANCE AUTO PARTS, INC. AND ARI FLEET, LTD.**, be cited to appear and answer and that on final trial, Plaintiff, in her respective capacity, has judgment against the Defendants, jointly and severally, as stated in this Petition to compensate her for the damages and losses in the amounts stated aforesaid; pre-judgment interest and post judgment interest; cost of suit, and other further relief to which Plaintiff may be entitled.

Respectfully submitted,

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